

TUESDAY, JUNE 2, 1998

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026511 ISABEL LILLIAN SOUZA

The judgment is affirmed.

HULL, J.

We concur: SCOTLAND, Acting P.J.

RAYE, J.

TUESDAY, JUNE 2, 1998 CONTINUED

Crim. THE PEOPLE (CERTIFIED FOR PARTIAL PUBLICATION)
 No. vs.
 C025765 GERALD JAY MATHEWS

The judgment of conviction for evading a police officer (Veh. Code § 2800.2) is reversed. In all other respects, the judgment is affirmed. The trial court is directed to correct the abstract of judgment and to forward a copy thereof to the Department of Corrections. (CERTIFIED FOR PARTIAL PUBLICATION)

RAYE, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027061 CLIFFORD DAVID JAYNES

The judgment is affirmed.

SIMS, J.

We concur: PUGLIA, P.J.
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025794 JAMES DEAN DONNER

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
 RAYE, J.

WEDNESDAY, JUNE 3, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027934 JAMES WAYNE NOTTINGHAM

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
 RAYE, J.

THURSDAY, JUNE 4, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C028179 BRIAN KEITH GARLOUGH

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027575 RONNY LYNN MISER

The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.
 RAYE J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027521 PHYLLIS BLICKLEY

The judgment is affirmed.

PUGLIA, P.J.

We concur: BLEASE, J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027539 CHARLENE D. GALANAUGH

The judgment is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.
 RAYE, J.

Juvenile In re DANIEL R., a Person Coming Under the Juvenile Court Law
 No. THE PEOPLE (Not for Publication)
 C028151 vs.
 DANIEL R.

The judgment is affirmed.

PUGLIA, P.J.

We concur: BLEASE, J.
 DAVIS, J.

THURSDAY, JUNE 4, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027825 STEVEN MICHAEL JOHNSON

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027632 MICHAEL DOUGLAS DAVIS

The convictions and special findings are affirmed. The sentence vacated, and the matter is remanded for a new sentencing hearing.

RAYE, J.

We concur: SCOTLAND, Acting P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027116 STEVEN EDWARD THOMPSON

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
 NICHOLSON, J.

Civil WILLIAM CARL HINCHMAN (Not for Publication)
 No. vs.
 C026064 GEORGE W. HATFIELD

FRANK FONTANA

The judgment is affirmed. Defendant is awarded his costs on appeal.

PUGLIA, P.J.

We concur: SIMS, J.
 RAYE, J.

THURSDAY, JUNE 4, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C027212 WILLIAM THOMAS ROBERTSON

The judgment is reversed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026593 JERRY BRENTON NUTT

The judgment is affirmed.

CALLAHAN, J.

I concur: SIMS, J.
I concur:
PUGLIA, P.J.

Civil STEPHEN R. TOWNZEN (Not for Publication)

No. vs.

C026578 COUNTY OF EL DORADO ET AL.

The trial court's March 21, 1997 order is affirmed. The parties shall bear their own costs on appeal.

PUGLIA, P.J.

We concur: DAVIS, J.
NICHOLSON, J.

The orders appealed from are affirmed.

CALLAHAN, J.

We concur: SIMS, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026316 RICKY ALLEN MORRISON

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.
MORRISON, J.

THURSDAY, JUNE 4, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C028068 GENARO RANDY MARAVILLA
 The judgment is affirmed.
 SCOTLAND J.
 We concur: PUGLIA, P.J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027367 CARLOS CALDERA
 The judgment is affirmed.
 PUGLIA, P.J.
 We concur: SIMS, J.
 RAYE, J.

Crim. THE PEOPLE (Nor for Publication)
 No. vs.
 C027396 JEFFREY CAMERON JENKINS
 The judgment is affirmed.
 RAYE, J.
 We concur: SCOTLAND, Acting P.J.
 HULL, J.

FRIDAY, JUNE 5, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C27028 MATT LAWSON
 The judgment of conviction for spousal rape (counts two and four)
 is reversed. The sentence on the remaining counts is vacated and the case is
 remanded to the trial for resentencing. The trial court is directed to
 prepare an amended abstract of judgment recording the modification of
 judgment and to forward a certified copy thereof to the Department of
 Correctiond..... The conviction for count one, three, five six, seven and
 eight is affirmed.
 MORRISON, J.
 We concur: PUGLIA, P.J.
 NICHOLSOLSON, J.

FRIDAY, JUNE 5, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C021253 DONALD EUGENE STUCKEY ET AL.
 The judgment is affirmed.
 MORRISON, J.
 We concur: SCOTLAND, Acting P.J.
 NICHOLSON, J.

MONDAY, JUNE 8, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026918 MIGUEL EDUARDO VASQUEZ
 The judgment is affirmed.
 NICHOLSON, J.
 We concur: PUGLIA, P.J.
 CALLAHAN, J.

Juvenile IN RE MICHELLE H., ET AL., Minors Coming Under the Juvenile
 No. Court Law (Not for Publication)
 C028441 DEPARTMENT OF HEALTH AND HUMAN SERVICES
 VS.
 SOO MI H.
 The orders denying appellant's petition to modify and terminating
 her parental rights are affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 RAYE, J.

Civil APS INC. (Not for Publication)
 No. vs.
 C026660 SHASTA AUTOMOTIVE PARTS WAREHOUSE
 The superior court is directed to strike from its award of costs to
 Shasta Automotive the \$45 awarded for photocopies of exhibits. All other
 rulings appealed are upheld and the judgment is affirmed. Shasta
 Automotive shall recover its costs on appeal.
 NICHOLSON, J.
 We concur: BLEASE, Acting P.J.
 HULL, J.

MONDAY, JUNE 8, 1998 CONTINUED

Civil M. SNOW, as ASSIGNEE, ETC. (Not for Publication)
No. vs.

C025480 DAVID L. FRANKLIN

Civil M. SNOW, as ASSIGNEE, ETC.
No. vs.

C025644 DAVID L. FRANKLIN

The judgment in C025480 and the order denying attorney fees in C025644 are affirmed. The parties shall bear their own costs on appeal.

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PUGLIA, P.J.

We concur: SIMS, J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.

C025289 DAVID BRYAN TIPP

The judgment is reversed.

PUGLIA, P.J.

We concur: SIMS, J.
 NICHOLSOLSON, J.

TUESDAY, JUNE 9, 1998

Crim. THE PEOPLE (Not for Publication)
No. vs.

C026795 THOMAS AUSTIN HAWKINS

The conviction on count two (§ 4573.6; possession of amphetamine) is reversed and that count is ordered dismissed. The remaining convictions are affirmed. The sentence is vacated and the cause is remanded to the trial court to consider in its discretion whether the sentences on counts one and three shall run consecutively or concurrently.

RAYE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

TUESDAY, JUNE 9, 1998 CONTINUED

Juvenile In re JOSE R., JR., A Minor Coming Under the Juvenile Court Law
No. HUMAN RESOURCES AGENCY
C027508 vs. (Not for Publication)
JOSE R., SR.

The orders are affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
RAYE, J.

Juvenile No. C027617	In re PONCIANO A. ET AL. Persons Coming Under the Juvenile Court Law SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES vs. DAVID A.
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The orders are affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Juvenile In re JAMIE H. ET AL. Persons Coming Under the Juvenile Court Law
No. DEPARTMENT OF HEALTH AND HUMAN SERVICES
C028057 vs.
CATHY V.

The orders appealed from are affirmed.

RAYE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

WEDNESDAY, JUNE 10, 1998

At 10:00 a.m., the court met in a special session at the Sacramento Community Center for the purpose of admission of new attorneys to the California State Bar.

PRESENT: HONORABLE COLEMAN BLEASE, Acting Presiding Justice
HONORABLE RICHARD M. SIMS, III, Associate Justice
HONORABLE ARTHUR G. SCOTLAND, Associate Justice

Robert L. Liston, Clerk/ Administrator
Brad Conrad, Bailiff
Deena C. Fawcett, Assistant Clerk/ Administrator

Seating of State and local Bar representatives.

Court called to order by Mr. Brad Conrad.

Acting Presiding Justice Coleman A. Blease welcomes admittees and introduces speakers.

George G. Gowgani, Vice Chair of the Committee of Bar Examiners of the California State Bar, welcomes admittees and presents motion for admission.

Samuel L. Jackson, Treasurer/Vice President of the Board of Governors of the California State Bar, speaks to admittees.

Bruce Cline, Vice President of the Sacramento County Bar Association speaks to admittees.

Associate Justice Richard M. Sims speaks to admittees

Associate Justice Arthur G. Scotland speaks to admittees and reads from Section 6068 of the Business & Professions Code.

Acting Presiding Justice Coleman A. Blease speaks to admittees and directs clerk to administer oath.

Oath administered by Mr. Robert L. Liston Clerk./Administrator

Court adjourns.

WEDNESDAY, JUNE 10, 1998 CONTINUED

Juvenile In re MICHAEL S. A Person Coming Under The Juvenile Court Law
No. THE PEOPLE (Not for Publication)
C024578 vs.
MICHAEL S.

The judgment is affirmed.

DAVIS, J.

We concur: BLEASE, Acting P.J.
NICHOLSON, J.

Juvenile In re MATHEW C. et al. Persons Coming Under the Juvenile Court Law
No. DEPARTMENT OF HEALTH & HUMAN SERVICES
C028380 vs. (Not for Publication)
ALICIA G.

The judgment is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. vs.
C026657 CRAIG RONALD GRANT

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
SCOTLAND, J.

THURSDAY, JUNE 11, 1998

Civil HAROLD WAGNER ET AL.
No. vs. (Not for Publication)
C026086 STANLEY TACHEIRA ET AL.
C027459

The judgment and the attorney fee/tax costs order are affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.
HULL, J.

THURSDAY, JUNE 11, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026139 JOSE JAIME RIOS SANCHEZ
 The judgment is affirmed.
 CALLAHAN, J.
 We concur: PUGLIA, P.J.
 DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025297 JASON LEE WEBER
 The judgment is modified to reduce the stayed sentence for premeditated murder to an indeterminate term of 25 years to life in prison. As modified, the judgment is affirmed. We direct that the trial court correct the abstract and send a copy of the same to the Department of Corrections.
 CALLAHAN, J.
 We concur: PUGLIA, P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C027637 DAVID CAESAR
 The abstract of judgment dated August 22, 1997, is modified to provide that defendant's restitution fine shall be reduced from \$10,000 to \$5,000. An amended abstract of judgment shall be forwarded to the Department of Corrections. So modified the judgment is affirmed.
 CALLAHAN, J.
 We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C25430 JOSE MOFIN SANCHEZ
 The judgment is affirmed.
 HULL, J.
 We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

THURSDAY, JUNE 11, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026799 JAMES DEAN NORTHERN ET AL.
 The judgment is affirmed.
 HULL, J.
 We concur: PUGLIA, P.J.
 MORRISON, J.

Juvenile In re GABRIEL V. a Person Coming Under the Juvenile Court Law
 No. DEPARTMENT OF HEALTH & HUMAN SERVICES
 C027669 vs. (Not for Publication)
 THOMAS V.
 The jurisdictional finding as to appellant, i.e., factual allegation b-3
 of the amended petition, is reversed. Appellant's challenge to the
 disposition orders pursuant to In re Damonte A. is dismissed as moot and
 the disposition orders are otherwise affirmed.
 BLEASE, Acting P.J.
 We concur: SCOTLAND, J.
 NICHOLSON, J.

Civil RICHESIN AND SILVA PROPERTIES
 No. vs. (Not for Publication)
 C027023 R.W. SIEGFRIED & ASSOCIATES ET AL.
 The judgment is affirmed.
 HULL, J.
 We concur: SIMS, Acting P.J.
 DAVIS, J.

FRIDAY, JUNE 12, 1998

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C025435 HUMBERTO QUINONES
 The judgment is affirmed.
 RAYE, J.
 We concur: DAVIS, Acting P.J.
 MRRISON, J.

FRIDAY, JUNE 12, 1998 CONTINUED

Juvenile In re of CARRIE J., a Person Coming Under the Juvenile Court Law
No. YOLO COUNTY DEPARTMENT OF SOCIAL SERVICES
C028360 vs. (Not for Publication)
NANCY J.

The orders of the juvenile court are affirmed.

HULL, J.

We concur: SCOTLAND, Acting P.J.
CALLAHAN, J.

MONDAY, JUNE 15, 1998

Juvenile No. C028975

IN RE CRYSTAL T. A PERSON COMING UNDER THE JUVENILE COURT LAW
DEPARTMENT OF HUMAN SERVICES
vs.
DARYL T.
BY THE COURT:

Pursuant to written request of appellant, the appeal filed March 9, 1998, is dismissed. It is further ordered that the remittitur issue forthwith, (See Cal. Rules of Court, rule 19 (b).)

Dated: June 15, 1998

PUGLIA, P.J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: PUGLIA, Presiding Justice
BLEASE, Associate Justice
RAYE, Associate Justice

Bailiff: Conrad
Calendar called.

MONDAY, JUNE 15, 1998 CONTINUED

Civil SIERRA CLUB ET AL.
No. vs.
C027361 SAN JOAQUIN LOCAL AGENCY FORMATION ETC.
CALAFIA DEVELOPMENT GROUP ET AL.

Cause called. Susan Brandt-Hawley, of Brandt-Hawley & Zoia argued for Plaintiffs-Appellant Sierra Club Et al. Susan Burns Cochran, of Lathrop City Attorney argued for RPI-Resp City of Lathrop. Steven A. Herum, Herum, of Crabtree, Dyer, Zolezzi & Terpstra argued for RPI-Respondent Calafia Development Group. David J. Guy appeared for Plaintiff-Appellant San Joaquin Farm Bureau Federation. Cause submitted.

At 9:47 a.m., court recessed. At 9:50 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Blease, Associate Justice Raye.

Civil STEVEN LUWISCH ET AL.
No. vs.
C025371 MICHAEL BOLTON ET AL.

Cause called. E. Craig Moody, of Moody & Hill argued for Plaintiffs-Appellants. Mark Hurst, of Shepard & Haven argued for Defendant-Respondent Michael Bolton. Kelli L. Bergman, of Murphy, Pearson, Bradle & Feeney appeared for Defendants-Respondents Seaman & Seaman et al. Cause submitted.

At 10:04 a.m., court recessed. At 10:06 a.m., court reconvened with Presiding Justice Puglia, Associate Justice Sims.

Civil SOUTHERN SISKIYOU CONCERNED CITIZENS
No. vs.
C023939 CITY OF MOUNT SHASTA ET AL.
Civil SOUTHERN SISKIYOU CONCERNED CITIZENS
No. vs.
C024852 CITY OF MOUNT SHASTA ET AL.

Cause called. Presiding Justice Puglia solicited a waiver of Associate Justice Scotland's appearance. He indicated that Associate Justice Scotland will read the record, briefs, and will listen to the oral argument tape. All parties stipulated to waive Associate Justice Scotland's appearance. James G. Moose, of Remy, Thomas and Moose argued for Defendants-Appellants. Timothy H. Stearns, argued for Plaintiff-Respondent with additional citations. Cause submitted.

MONDAY, JUNE 15, 1998 CONTINUED

At 10:31 a.m., court recessed. At 10:34 a.m., court reconvened with same panel except Associate Justice Hull in place of Associate Justice Scotland.

Civil RUTH MACDOUGALL ET AL.
No. vs.
C24798 THOMAS J. PERRY

Cause called. Tony J. Tanke, of Tanke & Willemsen argued for Plaintiffs-Appellants. John P. Rhode, of Schuering, Zimmerman, & Scully argued for Defendant-Respondent. Cause submitted.

At 11:09 a.m., court recessed. At 2:00 p.m., court reconvened with Presiding Justice Puglia, Associate Justice Blease and Associate Justice Raye.

Civil MARTHA FLETCHER
No. vs.
C027350 RICHARD FLOWERS

Cause called. M. Teresa Abad Levenfeld, of Edson, Laplante & Spinelli argued for Defendant-Respondent. No appearance was made on behalf of Plaintiff-Appellant. Cause submitted.

At 2:08 p.m., court recessed. At 2:09 p.m., court reconvened with Acting Presiding Justice Blease, and Associate Justice Raye.

Civil JOHN C. ROCHA JR. ET AL.
No. vs.
C018127 BANK OF STOCKTON, AS EXECUTOR, ETC
Civil JOHN C. ROCHA JR. ET AL.
No. vs.
C018263 BANK STOCKTON, AS EXECUTOR, ETC. ET AL.

Cause called. Acting Presiding Justice Blease solicited a waiver of Associate Justice Scotland's appearance. He indicated that Associate Justice Scotland will read the record, briefs, and will listen to the oral argument tape. All parties stipulated to waive Associate Justice Scotland's appearance. Thomas M. Peterson, of Brobeck, Phleger & Harrison argued for Defendants-x-Complainants-Appellants Barnickol et al. Roger M. Schrimp, of Damrell, Nelson, Schrimp, Pallios & Ladine argued for Plaintiffs-x-Defendants-Respondents. James F. Lewis, of Damrell, Nelson, Schrimp, Pallios & Ladine appeared only for Plaintiffs-x-Defendants-Respondents. Cause submitted.

Court recessed at 3:07 p.m., until 9:30 a.m., Tuesday, June 16, 1998.

SIMS, Acting P.J.

Defendant's convictions are affirmed. His sentence is vacated. The matter is remanded to the trial court to exercise its discretion whether to strike defendant's prior serious felony conviction and for resentencing in accordance with the views expressed in this opinion.. On resentencing, the court is directed to recalculate defendant's custody credits in a manner consistent with this opinion and to forward to copy of the amended abstract of judgment to the Department of Corrections.

We concur: DAVIS, J.
 NICHOLSON, J.

MONDAY, JUNE 15, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. vs.
 C026484 GENARO GREGORY

The judgment is modified to award defendant 188 days' custody credit and 94 days' conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting the modification and to forward a certified copy of the amended abstract to the Department of Corrections.

HULL, J.

We concur: DAVIS, Acting P.J.
 NICHOLSON, J.

Civil SPEEDWAY SPORTS, INC. (Not for Publication)
 No. vs.
 C027077 MORGAN EMULTECH

The order denying defendant's motion for attorney's fees is reversed and the case remanded to the trial court for determination of the amount of the award. Defendant shall recover its costs on appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.
 NICHOLSON, J.

Civil MICHAEL MOLEN ET AL. (Certified for Publication)
 No. vs.
 C026761 MORTON L. FRIEDMAN ET AL.
 Civil MORTON L. FRIEDMAN ET AL. (Certified for Publication)
 No. vs.
 C027026 MICHAEL MOLEN ET AL.

The judgment is affirmed. (CERTIFIED FOR PUBLICATION)

BLEASE, Acting P.J.

I concur: SIMS, J.
 I concur with result:
 DAVIS, J.